

Notice of Allowability

Application No.

09/593,993

Examiner

Jonathan Ouellette

Applicant(s)

SHKEDI, ROY

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/10/2004.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20041230.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20041109
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Axiom is withdrawn at

Request for Continued Examination

1. The Request filed on 12/13/2004 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/593,993 is acceptable and a RCE has been established. An action on the RCE follows.

7. The following is an exam

8. As per independent Claim

or application which per

Drawings

2. The drawings filed on 6/14/2000 are acceptable subject to correction of the informalties indicated below. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

the named resume data is

data for improved track

As per independent Clai

3. The drawing should contain textual labels for each element of the method/system/application *along with* numeric labels corresponding to the specification, in order to insure proper understanding and use of the illustrated invention.

descriptive-profile more

device, computer system

having associated therev

including the steps of: a)

profiles, electronically r

Claim Rejections - 35 USC § 102

4. The rejection of Claims 1-3, 5, and 9-13 under 35 U.S.C. 102(a) as being anticipated by Axiom ("Their Time Has Come," Direct, v11, n8, p1+, June 1999) is withdrawn due to Applicant's amendment.

single visitor to the enti

wherein an identifier is

partial profile, electroni

profiles, wherein is high

electronic reception, with

Claim Rejections - 35 USC § 103

5. The rejection of Claims 4 and 6-8 under 35 U.S.C. 103(a) as being unpatentable over

Axiom is withdrawn due to Applicant's amendment.

Allowable Subject Matter

6. **Claims 1-13 are allowed**

7. The following is an examiner's statement of reasons for allowance:

8. As per independent Claims 1 and 11-13, the prior art does not teach or suggest a method to the user of an application which parses resume data from a plurality of resume warehouses; places the parsed resume data into an applicant specific template and *utilizes the parsed resume profile mere data for increased tracking efficiency.*
9. As per independent Claims 1 and 11-13, The prior art fail to teach or suggest a descriptive-profile mercantile method (computer program product, program storage device, computer system), for use at a juncture in a data-communications topology, electronically having associated therewith a maintained databank of partial profiles, the method including the steps of: a) from an entity who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor; b) using the first partial profile, electronically searching a databank having a plurality of second partial profiles, wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile; i) between the entity and the databank, electronically contracting for a

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royalty payment for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; ~~or ii) between the entity and the databank, electronically contracting for a royalty payment for~~ the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank incorporating a first portion of the second mutually agreed portion of the second profile into at least one second partial profile, and substantially thereafter the databank incorporating the agreed portion of the first profile into at least one second partial profile; ~~or ii) between the entity and the~~

10. **Acxiom** ("Their Time Has Come," Direct, v11, n8, p1+, June 1999) discloses a descriptive-profile mercantile method (computer program product, program storage device, computer system), for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of: a) from an entity who owns or represents a right to multiple profiles, electronically receiving a transaction having therein a first partial profile (e-mail addresses/ postal names and addresses); b) using the first partial profile, electronically searching a databank (**Acxiom**) having a plurality of second partial profiles (e-mail addresses/ postal names and addresses), wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile (inherent to database searching); i) between the entity and the databank, electronically contracting for a royalty payment for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile; ~~or ii) between the entity and the~~

databank, electronically contracting for a royalty payment for the entity to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed portion of the second profile ("Their Time Has Come," *See* *Direct*, v11, n8, p1+, June 1999); but Axiom's descriptive-profile mercantile system does not incorporate a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor, as described in the independent claims.

11. **Katz et al.** (US 6,055,513) discloses a descriptive-profile mercantile method (computer program product, program storage device, computer system), for use at a juncture in a data-communications topology having associated therewith a maintained databank of partial profiles, the method including the steps of: a) from a user, electronically receiving a transaction having therein a first partial profile (C28 L11-14); b) using the first partial profile, electronically searching a databank having a plurality of second partial profiles (C28 L11-14), wherein is included in said databank at least one null profile so that said electronic searching will always yield at least one proximate second partial profile to the first partial profile (inherent); i) for the databank to own or represent a right to a first mutually agreed portion of the first partial profile, and substantially thereafter said databank incorporating the agreed portion of the first profile into at least one second partial profile (C28 L17-28); or ii) for the user to own or represent a right to a second mutually agreed portion of at least one said proximate second partial profile, and substantially thereafter the databank transmitting to the user the second mutually agreed

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portion of the second profile (C28 L17-28); but Katz's descriptive-profile mercantile system does not incorporate electronically contracting a royalty payment between the user and the databank or a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor, as described in the independent claims.

12. **Goldhaber** (US 5,855,008) discloses the registering (contracting) of users by a third party, to include profile and contact information (C12 L15-45), and providing compensation to users who agree to sell their information to individual marketers (abstract, C7 L1-10, C8 L59-61) - and it would have been obvious to pay the third party (databank) for the information, wherein the third party distributes a percentage of the fee to the profile owner, as licensing/royalty agreements were a well known way of paying for information when the invention was made; but Goldhaber's profile marketing system does not incorporate a first partial profile of a single visitor to the entity, said transaction including real-time access to the single visitor wherein an identifier is recognized or placed on the single visitor, as described in the independent claims.

13. Furthermore, the combination of the profile marketing systems provided by Axiom, Katz, and Goldhaber would still not teach (or provide the basis for obviousness) all the features described in the independent claims.

14. The remaining dependent Claims 2-10 are considered allowable, as they are dependent and based off of an allowable independent claim.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

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the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am 5:00pm.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for all official communications.
18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

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December 30, 2004

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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